

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

1. The petitioner has been a recipient of RUFA benefits and a participant in the Reach Up program on and off for several years. He has had at least three months of sanctions in the past for noncompliance with Reach Up.

2. Following a failure by the petitioner to accept a community service placement his Reach Up worker scheduled him for a reconciliation meeting on April 30, 2003. The petitioner attended that meeting and entered into a written "Conciliation Resolution" in which he agreed to a community service job placement at Recycle North. The agreement stipulated that the placement would begin as soon as the petitioner completed a work crew assignment through the Department of Probation and Parole. The petitioner also agreed to attend a meeting with his case manager on May 7, 2003 to discuss his starting date at Recycle North.

3. The petitioner did not appear at the meeting on May 7, 2003 and did not call to explain his absence. On May 19, 2003, having heard nothing from the petitioner, his case manager issued a sanction authorization effective June 1, 2003. A subsequent notice advised the petitioner that he had to appear in person at a meeting on June 2, 2003 in order to receive his RUFA benefits for that month.

4. The petitioner appeared at his sanction meeting on June 2. His position at that meeting, which he reiterated at his fair hearing, is that he will not accept the placement at Recycle North because his duties there include sweeping

floors, which he considers demeaning. The petitioner does not allege any medical problem that would preclude such work.

5. The petitioner maintains that if Reach Up purchased painting tools and equipment for him he could find work as a painting subcontractor. Reach Up has advised the petitioner that even if he reports to work at Recycle North, if he can verify that he has lined up a painting job Reach Up will purchase necessary equipment for him and will end his sanction.

6. The petitioner maintains that contractors will not hire him for painting if he is working at Recycle North and will not provide verification of a painting job in advance. The petitioner offered no evidence to support either of these claims, and neither seems credible on its face.

7. As of the date of the hearing the petitioner had not reported to his job at Recycle North and had not obtained any other work.

ORDER

The Department's decision is affirmed.

REASONS

Included in the "types of noncompliance" in the Reach Up regulations is the "failure or refusal to . . . attend or

participate fully in (Reach Up) activities . . . (or) show up for work." W.A.M. § 2370.1. The oral declaration of an individual that he will not comply with Reach Up directives is considered an "overt refusal" to comply with the program. W.A.M. § 2370.12.

Section 2372 of the regulations provides: "If a participating adult, including a minor parent, fails to comply with services component requirements, the department shall impose a fiscal sanction by reducing the financial assistance grant of the sanctioned adult's family." This regulation further provides that the sanction process begins when conciliation is unsuccessful. The sanction amount for the fourth and subsequent cumulative months of noncompliance is \$150 for each adult subject to sanction. W.A.M. § 2372.2.

As noted above, the petitioner states he will not accept a community service placement at Recycle North because he refuses to sweep floors and (incredibly) because it will reduce or eliminate his chances of obtaining work as a painter. Under the above regulations this refusal is sufficient to support the Department's decision to impose sanctions on his RUFA grant. Inasmuch as the Department's decision in this matter is in accord with the pertinent

regulations, it must be affirmed. 3 V.S.A. § 3091(d), Fair
Hearing Rule No. 17.

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